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**The 2005 Philip C. Jessup
International Law Moot Court Competition**

Republic of Appollonia

v.

Kingdom of Raglan

The Case Concerning the Vessel The Mairi Maru

**Corrections and Clarifications
to the
2005 Jessup Problem**

**2005 PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION**

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

The following corrections and clarifications have been agreed by the parties, and the *Compromis* should be considered amended accordingly. The clerk reminds all parties and participants of the following:

- a. The *Compromis* is, in essence, a stipulation of facts. Its words have been carefully chosen, and are the results of extensive negotiation. The parties decline to "clarify" the facts by providing conclusory characterizations, e.g. of the nature of their political systems. And, obviously, the parties will not stipulate as to what arguments are acceptable or unacceptable.
- b. The response to any request for a clarification not addressed in the following paragraphs is already included in the *Compromis* or has been considered inappropriate or immaterial, or the parties were unable to reach agreement on a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the *Compromis* is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents referenced in the *Compromis*, and to the authorship and the authenticity of the signatures on all documents referenced in the *Compromis*.
- d. With respect to pronunciations of the various proper names used in the *Compromis*, it should be noted that these are generally-accepted Anglicizations of the names involved, submitted in English for the use of the Court. All relevant parties have agreed that they will not take formal or informal offense at any reasonable mispronunciation.

CORRECTIONS

1. The reference to "1999" in paragraph 4 should read "1995."
2. The reference to "April 2001" in paragraph 5 should read "April 1997."
3. The reference to "Ms. Mobius" in paragraph 10 should read "Ms. Ybarra"
4. All portions of the Norton Shallows are situated at least 250 nautical miles from the relevant archipelagic baseline of Raglan. Sand Deep is located in the High Seas.

CLARIFICATIONS

- I. In March 1997, in anticipation of the MOX export agreement, Appollonia entered into separate Safeguards Agreements with the IAEA concerning the transfer of MOX from Appollonia.

2. Prior to sinking *The Mairi Maru* into Sand Deep, the Raglanian Royal Navy secured and encased the MOX canisters in conformity with international standard practice, to prevent any further MOX leakage.
3. Thomas Good and his two companions were transported to *The Mairi Maru* aboard a privately-owned and operated vessel which had been hired by the Raglanian Royal Navy for that purpose. He boarded *The Mairi Maru* on the High Seas. *The Mairi Maru* entered Raglan's archipelagic waters at 2200 hours on July 27, and did not leave Raglan's archipelagic waters again until several hours after Mr. Good disembarked.
4. The annexed map is properly oriented with north at the top. The Raglanian Archipelago is the entire group of islands lying between Appollonia and Maguffin on the map. The Norton Shallows are not shown on the map, but lie to the south-east of the Raglanian Archipelago. *The Mairi Maru* ran aground on a sandbar in the Norton Shallows, and was eventually towed to the location indicated on the map as the site of the wreck and scuttled there. The wreck now lies in this location, in Sand Deep, and will not move as it is protected from wind and ocean currents.
5. Appollonia and Maguffin each ratified the Statute of the IAEA in 1994. Raglan has neither signed nor ratified the Statute of the IAEA.
6. While ships from many States pass through the area of the Norton Shallows, only firms incorporated in Raglan engage in any commercial activities there. These activities, which began in the mid 1990s, are confined to eco-tourism and sport fishing.
7. Raglan has in the past captured several alleged pirates and prosecuted them under its domestic laws, resulting in two convictions. Mr. Good has not been located or apprehended. Raglan's domestic criminal code uses the definition of "piracy" contained in Article 101 of UNCLOS.
8. On the same day *The Mairi Maru* was scuttled, Raglan sent a memorandum, titled "London Convention Article V Notification," to the International Maritime Organization, informing the organization of the scuttling of the vessel.
9. The specially-designed flag is flown beneath the national flag of the vessel. Mr. Good, like all other pilots, brought the flag with him and it was flown on *The Mairi Maru*.
10. The planned route of *The Mairi Maru* passed through Raglanian archipelagic waters by use of sea lanes designated by Raglan for passage of foreign ships. After Mr. Good locked the crew in the galley, he steered the vessel out of these sea lanes.
11. The captain of *The Mairi Maru* was experienced at transporting nuclear materials, and the vessel itself had been used for this purpose on six previous occasions.

12. As of June 1, 2004, the contamination was concentrated in a radius of approximately 30 kilometers from the sandbar where *The Mairi Maru* had run aground, but there were traces of radiation detected as close as 25 kilometers from Raglan's Exclusive Economic Zone. Raglan began decontamination efforts immediately prior to the removal and scuttling of *The Mairi Maru*, and efforts continue to this day.

13. The prevailing ocean currents in the waters encompassing the Norton Shallows and the Raglanian Archipelago flow west to north-west throughout the year. The prevailing ocean winds flow in approximately the same direction as the ocean currents.

14. In paragraph 35, the designation "No" indicates that a State has neither signed nor ratified the indicated instrument.

